

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

RANDOLPH SMITH,

Plaintiff,

v.

**9:06-CV-401
(FJS/DEP)**

**DR. LESTER WRIGHT, Deputy Commissioner
for Health Services; DR. PAULANO, Chief Medical
Officer, Great Meadows Correctional Facility;
DR. SILVERBERG, Physician, Great Meadows
Correctional Facility; JANE DOE, Acting
Nurse Administrator, Great Meadows
Correctional Facility; and JOHN DOE, Director
of Ministerial Services,**

Defendants.

APPEARANCES

OF COUNSEL

RANDOLPH SMITH
Bronx, New York 10455
Plaintiff *pro se*

**OFFICE OF THE NEW YORK
STATE ATTORNEY GENERAL**
The Capitol
Albany, New York 12224
Attorneys for Defendants

CATHY Y. SHEEHAN, AAG

SCULLIN, Senior Judge

ORDER

On January 25, 2011, Defendants filed a motion to dismiss Plaintiff's amended complaint. *See* Dkt. No. 49. On March 17, 2011, Plaintiff filed papers in opposition to that motion, *see* Dkt. No. 52; and, on March 31, 2011, Defendants filed a reply in further support of their motion, *see* Dkt. No. 53. On August 31, 2011, Magistrate Judge Peebles issued a Report, Recommendation

and Order, in which he recommended that this Court grant Defendants' motion and dismiss Plaintiff's amended complaint in its entirety. *See* Dkt. No. 54 at 53. Neither Plaintiff nor the Defendants filed any objections.

When a party does not object to a magistrate judge's report-recommendation, the court reviews that report-recommendation for clear error or manifest injustice. *See Linares v. Mahunik*, No. 9:05-CV-625, 2009 WL 3165660, *10 (N.D.N.Y. July 16, 2009) (citation and footnote omitted). After conducting this review, "the Court may 'accept, reject, or modify, in whole or in part, the . . . recommendations made by the magistrate judge.'" *Id.* (quoting 28 U.S.C. § 636(b)(1)(C)).

The Court has reviewed Magistrate Judge Peebles' August 31, 2011 Report, Recommendation and Order for clear error and manifest injustice; and, finding none, the Court hereby

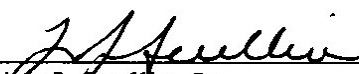
ORDERS that Magistrate Judge Peebles' August 31, 2011 Report, Recommendation and Order is **ACCEPTED in its entirety** for the reasons stated therein; and the Court further

ORDERS that Defendants' motion to dismiss Plaintiff's complaint in its entirety is **GRANTED**; and the Court further

ORDERS that the Clerk of the Court shall enter judgment in favor of Defendants and close this case.

IT IS SO ORDERED.

Dated: September 23, 2011
Syracuse, New York



Frederick J. Scullin, Jr.
Senior United States District Court Judge